

## **REMARKS**

Claims 1-29 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 102(e) Rejection:**

The Examiner rejected claims 12-14 and 17-24 under 35 U.S.C. § 102(e) as being anticipated by Schibilla (U.S. Patent 6,384,999). Applicant respectfully traverses this rejection for at least the following reasons.

In regard to claim 12, Schibilla does not teach a controller that is configured to inhibit read access to a first portion of the storage medium if the first portion's address is listed on a non-read list, wherein the controller is configured to remove the first portion's address from the non-read list in response to a successful write to the first portion. In the "Response to Arguments" section of the Final Action, the Examiner agrees with Applicant that Schibilla's "marginally defective data sites" cannot correspond to the non-read list recited in claim 12. But, the Examiner contends that Schibilla's teaching of "hard error" for which reads are inhibited corresponds to the non-read list recited in claim 12. However, according to Schibilla, if data cannot be successfully read at all from a data site, then the data site is deemed to have a permanent hard sector error that cannot be recovered (col. 1, lines 57-60; col. 6, lines 55-57). In Schibilla, once a data site has a "hard error", no attempt is ever made to write or read that data site again. The "successful rewriting" operation in Schibilla applies only to marginally defective data sites; however, as previously shown, Schibilla does not inhibit reads for marginally defective data sites. For sites determined by Schibilla to be "hard error" sites, no attempt is ever made to write or read that data site again. Thus, Schibilla clearly does not teach that the controller is configured to remove the first portion's address from the non-read (hard error) list in response to a successful write to the first portion. Therefore, the rejection of claim 12 is not supported by the teachings of Schibilla and withdrawal thereof is respectfully requested.

Similar arguments apply in regard to independent claim 18. Applicant also asserts that the rejection of numerous ones of the dependent claims is further unsupported by the teachings of the cited art. However, since the rejection of the independent claims has been shown to be improper, a further discussion of the rejection of the dependent claims is not necessary at this time.

**Allowed Claims:**

Claims 1-11 and 29 are allowed.

**Allowable Subject Matter:**

Claims 15, 16 and 25-28 were objected to as being dependent upon a rejected base claim but otherwise allowable if rewritten in independent form. In light of the above remarks, Applicants assert that these claims are allowable in their present form.

## **CONCLUSION**

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-09700/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: March 24, 2005